

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/31/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAVIER NUNEZ,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

23-CV-1548 (JGLC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On March 17, 2023, Defendant filed a motion for change of venue and to dismiss. (Dkts. 13-14.) Plaintiff has since filed a Third Amended Complaint but never responded to motion. The Court has reviewed the Third Amended Complaint and finds that it suffers from the same alleged defects that are the subject of Defendant's motion. Accordingly, by **August 15, 2023**, Plaintiff shall file a response to Defendant's motion. In the absence of a response, the Court will proceed to resolve the motion, and Plaintiff's failure to respond to the motion may be grounds alone for granting the motion and/or dismissing the complaint in its entirety for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff and note mailing on the record.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 31, 2023
New York, New York